

REMARKS

Reconsideration of this application is respectfully requested. Claim 7 has been canceled without regard to the rejections and without prejudice. Applicants reserve the right to pursue claim 7 in a divisional, or continuing, application. As such, claims 1-6 are in this application and are presented for the Examiner's consideration in view of the following comments.

Claim Rejections -35 USC § 112, paragraph 2.

Claim 6 has been rejected as being unclear because, according to the Examiner, claim 6 is presented in means plus function form and structural details are required. Applicants respectfully disagree for the simple reason that **35 USC § 112, paragraph 6, specifically allows for means plus function claims.** In particular, 35 USC § 112, paragraph 6, states (emphasis added):

[a]n element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Applicants' claim 6 is an apparatus claim directed to arranging elementary streams representing video, audio and/or other data. Support may be found in Applicants' specification at p. 2, ln. 7. Applicants' recited "means for defining basic stream path of consecutive descriptors pointing to parts of a basic AV MPEG-2 transport stream" is, e.g., disclosed at p. 10, lns. 18 – 20. Applicants' means for "defining multiple sub stream paths...located out of said basic AV MPEG-2 transport stream" is disclosed, e.g., at p. 10, ln. 21, shown in Fig. 1 and described at p. 3, ln. 1, and further at p. 2, ln. 25 and yet further at p. 4, ln. 16. The "means for indicating the stream path type..." is disclosed, e.g., in table 4, and at lns. 1 - 10 of p. 7. Discussion of Applicants' "means for binding" occurs, e.g., at p. 10, ln. 32 and in subplayitems syntax of table 3 at p. 7 which includes start and end times for subplayitems.

In view of the above, Applicants respectfully submit that claim 6 passes muster under 35 USC § 112, paragraph 6, and that the Examiner's rejection under 35 USC § 112, paragraph 2, is inappropriate.

Claim Rejections -35 USC § 103(a).

Claims 1 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,778,759 issued August 17, 2004, to Yamada et al. (*Yamada*), in view of U.S. Patent No. 7,184,450 issued February 27, 2007, to Wolf et al. (*Wolf*), and further in view of U.S. Patent Publication 2004/0261099 published December 23, 2004, to Durden et al. (*Durden*). Applicants respectfully disagree for a number of reasons.

At the outset, the Examiner's reasoning regarding the claim elements is contradictory. On the one hand the Examiner states on p. 4 of the current Office action that *Yamada* and *Wolf* are silent in indicating the stream path type of each of said sub streams paths. This is consistent with the Applicants' evaluation of *Yamada* and *Wolf* and further meets the Examiner's own finding in the Office Action issued on August 31, 2009, where the Examiner stated that *Yamada* fails to teach the indication of stream paths. But now, on the other hand, the Examiner alleges on page 3 of the current office action that *Yamada* discloses this claim element in col. 8, lns. 1-6. This is not only contradictory, it is also simply incorrect. Col. 7, ln. 67 to col. 8, ln. 8, of *Yamada*, states:

[t]he AV attribute table for title 606 includes a number of video streams or audio streams to be used in the title, and an attribute of the video or audio stream. The sub-picture attribute table for title 607 includes a number of the sub-picture streams to be used in the title and an attribute of the sub-picture stream.

Information about the number and the attribute of each stream can be set in advance before generating the video file data 505.

Nowhere does this cited portion of *Yamada*, nor any portion of *Yamada*, describe, or suggest, that the attribute of video or audio stream or the attribute of sub-picture stream can be the stream path type of the respective stream as claimed by Applicants. In fact, since *Yamada* describes that the attribute of each stream are set, *Yamada cannot suggest* Applicants' required attributes as being the stream path type of the respective stream because such attributes are defined by the type of the respective stream and therefore cannot be set.

Turning now to the remainder of the Office Action, the Examiner admits that *Yamada* is silent in describing "defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path, said sub stream paths of descriptors pointing to parts of data streams being located out of said basic AV MPEG-2 transport stream" as required by

Applicants' claim 1 and the Examiner looks to *Wolf* (col. 6, Ins. 24-39) to remedy this deficiency.

However, although the title of *Wolf* recites a system and method for decoding audio/video data such as DVD or/and DVB data, *Wolf* states in col. 3, Ins. 1-3, that decoder 20 is either in the DVD or in the DVB mode of operation. Processing of audio data when the decoder 20 is in the DVD or DVB mode is described in col. 6, Ins. 24-39, of *Wolf*. As such, the system taught by *Wolf* uses a single stream demultiplexer 26 (SD) for operation in DVD mode or in DVB mode. According to *Wolf*, the SD 26 operation in DVB mode differs from DVD mode operation (col. 9, Ins. 17-21) since SD 26 processes a transport stream rather than a program stream (col. 9, Ins. 46-47).

In particular, *Wolf* addresses timing. Therefore, SD 26, of *Wolf*, detects clock reference (CR) fields in the input stream, SD 26 provides the value to timer 30 and timer 30 may use this data to set the current system time to gain initial synchronization (col. 10, Ins. 28-32). *Wolf* uses the term input stream in the singular since the system *Wolf* describes can only be initially synchronized to a single stream.

Therefore, it is apparent to the skilled person that the system taught by *Wolf* is not adapted for operating a DVD mode and a DVB mode in parallel. As such, *Wolf* cannot suggest Applicants' claim requirement of "defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path, said sub stream paths of descriptors pointing to parts of data streams being located out of said basic AV MPEG-2 transport stream as" as asserted by the Examiner.

Nor is this requirement of Applicants' claim 1 found in *Durden*.

As such, already the combination of *Yamada*, *Wolf* and *Durden* fails to describe, or suggest, Applicants' claimed invention.

However, there are other deficiencies in the cited references. At p. 4, ln. 2, of the Office Action, the Examiner asserts that

Wolf, therefore, teaches the binding of an external source to a corresponding sub stream (Stream demultiplexer (26 on figure 1).

However, the Examiner provides no reasoning for this conclusory statement. As stated previously, Applicants' claim 1 requires authoring an AV multiplex stream to which an external stream is bound by descriptors. Stated simply, the external stream is tied, secured, or bound to the MEPEG stream unlike *Wolf* in which the demultiplexer SD 26 is disclosed

(*Wolf*, col. 3, lns. 63 – 67) to take apart the multiplex streams and as such performs a completely contrary function to Applicants' claimed requirement.

Thus, again, the combination of *Yamada*, *Wolf* and *Durden* fails to describe, or suggest, Applicants' claimed invention.

In addition, as noted earlier, the Examiner also admits that *Yamada* and *Wolf* are silent in indicating the stream type of each of said sub stream paths as required by Applicants' claim 1. For this, the Examiner looks to Fig. 3 of *Durden* to remedy this deficiency. However, Fig 3 and paragraph [0067] of *Durden* show and disclose types of rating such as the TV rating system or MPAA system. *Durden* fails to indicate the stream type, that is, a video stream path type, audio stream path type, subtitle stream path type and a graphics stream path type. Since *Durden* fails to indicate the Applicants' stream path type, the admitted deficiencies of *Yamada* and *Wolf* are not remedied by the teachings of *Durden*.

Thus, yet again, the combination of *Yamada*, *Wolf* and *Durden* fails to describe, or suggest, Applicants' claimed invention.

Similar comments apply with respect to Applicants' independent claim 6.

In view of the above, none of the references taken singly, or in combination, describe, or suggest, the requirements of Applicants' independent claims 1 and 6. Withdrawal of the rejection under 35 USC § 103(a) is respectfully requested.

Claims 2 - 5 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamada* in view of *Wolf* in view of *Durden* and further in view of U.S. Patent Publication 2002/0006268 published January 17, 2002, to Chotoku et al. Applicants respectfully disagree for the reasons described above with respect to independent claim 1.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. *Yamada* in view of *Wolf*. Applicants have canceled claim 7 without regard to this rejection and without prejudice. As stated earlier, Applicants reserve the right to pursue claim 7 in a divisional, or continuing, application.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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